

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and  
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK  
CAR AUTO RACING, LLC, and JAMES  
FRANCE,

Defendants.

Civil Action No. 3:24-cv-886-FDW-SCR

**JAMES FRANCE’S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant James France respectfully moves to dismiss the Complaint of Plaintiffs 2311 Racing LLC and Front Row Motorsports, Inc. As set forth more fully in the accompanying Memorandum, the grounds for this Motion are as follows:

1. Because Plaintiffs’ claims as to Mr. France are entirely predicated on his role as a corporate officer at NASCAR, Plaintiffs’ claims against Mr. France fail for the same reasons their claims against NASCAR do.
2. Even if Plaintiffs had alleged a plausible claim against NASCAR (which they have not), Plaintiffs’ claims against Mr. France must still be dismissed because they fail to make plausible, factual allegations that Mr. France “actively and knowingly engaged in a scheme designed to achieve anticompetitive ends.” *Brown v. Donco Enterprises, Inc.*, 783 F.2d 644, 647 (6th Cir. 1986).

The grounds for this Motion are more fully set forth in Mr. France's accompanying Memorandum of Law.

Dated: December 2, 2024

Respectfully submitted,

By: /s/ Tricia Wilson Magee  
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### **WORD COUNT CERTIFICATION**

I hereby certify that the foregoing document contains fewer than 4,500 words according to the word count feature in Microsoft Word and is therefore in compliance with the word limitation set forth in Judge Whitney's Scheduling Order.

This the 2<sup>nd</sup> day of December, 2024.

Respectfully submitted,

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### **ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION**

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 2<sup>nd</sup> day of December, 2024.

/s/ Tricia Wilson Magee

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **JAMES FRANCE’S MOTION TO DISMISS** was electronically filed using the Court’s CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

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